

REMARKS/ARGUMENTS

Applicant requests favorable reconsideration of the subject application in view of the amendments and the following remarks.

In the Office Action dated November 19, 2003, the Examiner rejected claim 5 under 35 U.S.C. 112, second paragraph, as being indefinite; claim 6 was rejected under 35 U.S.C. 112, first paragraph; claim 8 was rejected under 35 U.S.C. 112, first paragraph, as being non-enabling; claim 9 was rejected under 35 U.S.C. 112, second paragraph as being indefinite. The Examiner's Action also indicated that claims 1, 2, 7, and 10-18 were allowed.

In response, Applicant has amended claims 5-6 and 8-9 to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been introduced.

Applicant submits that the subject application is patentable for the following reasons:

Claim Rejection - 35 U.S.C. 112

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response, Applicant has amended claim 5 to recite the particular acetogenins of claim 1 that can be used in the composition. Accordingly, the rejection is overcome.

Claim Rejection - 35 U.S.C. 112

Claim 6 is rejected under 35 U.S.C. §112, first paragraph, as containing improper use limitation.

In response to the rejection, Applicant has amended claim 6 to recited a proper limitation for the claim directed the compounds. As a result, the rejection is believed to be overcome.

Claim Rejection - 35 U.S.C. 112

Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as being non-enabling for treating all cancers.

In response to the rejection, Applicant has amended claim 8 to be enabling by the specification. Accordingly, the rejection is overcome.

Claim Rejection - 35 U.S.C. 112

Claim 9 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response, Applicant has amended claim 9 to recite the particular acetogenins of claim 1 that can be used. Accordingly, the rejection is overcome.

In view of the above, all rejections have been overcome and claims 1-2 and 5-18 as amended are in condition for allowance, early notice of which is requested. Should the present amendment not place the application in condition for allowance, the Examiner is requested to contact Applicant's attorney to resolve any remaining issues.

A Petition For Extension of Time and a check in the amount of \$55.00 accompany this response. Should any other fee be required, please charge the same to deposit account no. 22-0261 and notify Applicant's attorney.

Respectfully submitted,

• Appl. No. 10/005,324
Admt. dated March 19, 2004
Reply to Office Action of November 19, 2003

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